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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/054,894	01/25/2002	Ed Blanch	20319.00	5442

37833 7590 08/07/2007

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EXAMINER

APPLE, KIRSTEN SACHWITZ

ART UNIT

PAPER NUMBER

3693

MAIL DATE

DELIVERY MODE

08/07/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

10/054,894

Applicant(s)

BLANCH, ED

Examiner

Kirsten S. Apple

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 10 May 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- ☐ Notice of Informal Patent Application
- ☐ Other: \_\_\_\_\_

## Detailed Action

This action is in response to the application response filed on 5/10/07.

### *Claim Rejections - 35 USC § 112*

In view of the applicants additional information in the specification the 112 rejections is hereby withdrawn.

### *Claim Rejections - 35 USC § 102*

The Examiner has read and reviewed all of the information provided by the Applicant. The examiner rejects as final claims 1-18 under 35 USC 102.

The Applicant attention is re-drawn to the following:

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-18 are rejected under 35 U.S.C. 102(b) as being anticipated by Oppenheimer US Patent 5,644,726.

**Re claim 1, 7 & 13:** Oppenheimer discloses:

*A product, system & method, comprising:*

*Loan query web page, with plurality of drop-down list boxes from which a user may select parameter for a loan, calculating mortgage loan add-on fees based on parameters selected, and submitting parameters. (see Oppenheimer, Figure 3)*

*Retrieving updated mortgage loan add-on fees for selected mortgage loan parameters (see Oppenheimer, Table 2, item 2 fees)*

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*Re-computing add-on fees when add-on fees have changed (see Oppenheimer, Table 2, item 2 fees)*

*Sending re-computer add-on fees to client computer (see Oppenheimer, Table 2, item 2 fees & Figure 2B, item 29)*

*Determining mortgage loan underwriting conditions based upon parameters selected (see Oppenheimer, Table 2 & 3)*

*Sending mortgage loan underwriting conditions to client computer (see Oppenheimer, Table 2 & 3 & Figure 2B, item 29)*

**Re claim 2, 8 & 14:** Oppenheimer discloses:

*Drop-down list box includes selecting loan-to-value percentage (see Oppenheimer, Figure 3, item 62 & column 1, line 25)*

**Re claim 3, 9 & 15:** Oppenheimer discloses:

*Drop-down list box includes selecting loan amount (see Oppenheimer, Figure 3, item 61 & Table 2, line 1, 3)*

**Re claim 4, 10 & 16:** Oppenheimer discloses:

*Drop-down list box includes selecting mortgage loan repayment program (see Oppenheimer, Figure 3, item 60 & Figure 2-3, "Example type" & Figure 8, item 36)*

**Re claim 5, 11 & 17:** Oppenheimer discloses:

*Drop-down list box includes selecting mortgage loan interest rate (see Oppenheimer, Figure 3, item 62 & Table 1, "u" & "x")*

**Re claim 6, 12 & 18:** Oppenheimer discloses:

*Text box for optional information for identifying a borrower and a property to be mortgaged (see Oppenheimer, Figure 10, item 60)*

***Response to Arguments***

Applicant's arguments filed 5/10/07 have been fully considered but they are not persuasive.

In particular, and respect to Claim 1 the Applicant noted that the examiner reject on page 2 claims 1-36. The applicant is correct that this was a mistake by the examiner and should have been "1-18."

Applicants argued 2<sup>nd</sup>, Oppenheimer lacks drop-down list boxes from which *a user may select parameter for a loan, calculating mortgage loan add-on fees based on parameters selected, and submitting parameters.*

The Examiner refutes the argument made by the Applicant and draws the attention to Oppenheimer, Figure 3, Items 62, 61 & 60 are clearly inputs where parameters for the loan are submitted. It is inherent that this through a drop-down menu – particularly for items such as Table 1, item a "total length of mortgage in year" (one of the input values) most mortgages only go up to 30 year mortgage so a drop-down menu would limit these choices.

Applicants argued 3<sup>rd</sup>, Oppenheimer does not include "add-on fees"

The Examiner refutes the argument made by the Applicant and would first like to note that she is interpreting "add-on fee" to be any reasonable fee "added on top" of the mortgage. The examiner has read the applicant specification page 11-12 and figure 3A and this has been helpful in understanding the scope of the term "add-on fee." However the examiner must used the broadest reasonable interpretation of the claim. The examiner therefore believes the Oppenheimer, Table 2A, column C "ar" fees clearly reads on "add-on fee." As the applicant

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pointed out in their remarks “ar” in Oppenheimer are the amount of fee assessed (if any) on the total mortgage financing. Not only does this read on the examiner broad interpretation of “add-on fees” being any fees “added to the mortgage” it also is identical to the applicants specification Figure 3A, item 195 all of these fees would be added to the mortgage.

### ***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

### ***Contact Information***

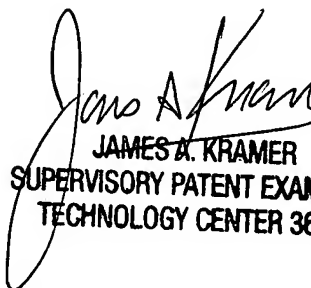
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kirsten S. Apple whose telephone number is 571.272.5588. The examiner can normally be reached on Monday - Friday 9:00-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner’s supervisor, James Kramer can be reached on 571-272-6783. The fax phone number for the organization where this application or proceeding is assigned is 571-272-6126.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

ksa

 8-6-07  
JAMES A. KRAMER  
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TECHNOLOGY CENTER 3600